

UNCLASSIFIED
ROUTINE
R 291241Z MAR 18
FM CNO WASHINGTON DC
TO NAVADMIN
INFO CNO WASHINGTON DC
BT
UNCLAS

NAVADMIN 076/18

MSGID/NAVADMIN/CNO WASHINGTON DC/N4/MAR//

SUBJ//GUN CONTROL ACT OF 1968 CRIMINAL JUSTICE INFORMATION REPORTING
REQUIREMENTS//

REF/A/DOC/SECNAV MEMO 22 JAN 18//

REF/B/DOC/18 U.S.C. SECTION 921//

REF/C/DOC/34 U.S.C. SECTION 40901//

REF/D/DOC/DODI 6400.06//

REF/E/DOC/DODD 5400.11//

NARR//REF A IS SECRETARY OF THE NAVY (SECNAV) MEMO TO THE CHIEF OF NAVAL OPERATIONS (CNO), COMMANDANT OF THE MARINE CORPS (CMC) AND DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE (NCIS) DATED 22 JANUARY 18.

REF B IS TITLE 18, U.S.C., SECTION 921 ET SEQ, CRIMES AND CRIMINAL PROCEDURE.

REF C IS TITLE 34, U.S.C., SECTION 40901, ESTABLISHMENT OF THE NATIONAL CRIMINAL INSTANT BACKGROUND CHECK SYSTEM.

REF D IS DOD INSTRUCTION 6400.06, 26 MAY 2017, DOMESTIC ABUSE INVOLVING DOD MILITARY AND CERTAIN AFFILIATED PERSONNEL. REF E IS THE DOD PRIVACY PROGRAM, 29 OCTOBER 2014.//

POC/OPNAV N462/MR. MARK SINDER/TEL: 703-695-5534/

EMAIL: MARK.SINDER(AT)NAVY.MIL//

RMKS/1. Per reference (a), the Secretary of the Navy (SECNAV) has directed compliance with the Gun Control Act of 1968. This NAVADMIN ensures accurate and timely reporting of criminal justice information, including records related to unlawful drug use, felony indictments and convictions, domestic violence convictions, and other conditions which preclude the receipt, possession, or transfer of firearms and ammunition, per reference (b), to the Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation (FBI) for entry in the National Instant Criminal Background Check System (NICS). Compliance with this NAVADMIN is required whether a defense criminal investigative organization, Navy law enforcement organization, preliminary investigating officer, or any other investigating entity conducts the investigation. Reporting requirements under this NAVADMIN and references (b) through (d) are separate from reporting requirements per Department of Defense Instruction (DoDI) 5505.11, Fingerprint Card and Final Disposition Report Submission Requirements, which

will be forthcoming under separate correspondence.

2. Policy. All criminal justice information in possession of the Navy which affects a persons eligibility to receive, possess, or transfer firearms or ammunition per reference (b) will be transmitted to the Naval Criminal Investigative Service (NCIS) for forwarding to the FBI, using the format provided in paragraph 4 of this message by the most reliable and expeditious means available.

3. Responsibilities

a. Deputy Chief of Naval Operations, Manpower, Personnel, Training and Education/Chief Of Naval Personnel (CNO N1 /CNP). Director, 21st Century Sailor Office (OPNAV N17) will forward criminal justice information to NCIS for all service members who are unlawful drug users.

(1) For reporting purposes, a service member is an unlawful drug user per reference (b) when any of the following has occurred:

(a) Court-martial conviction for wrongful use of a controlled substance;

(b) Non-judicial punishment (NJP) finding of guilty for wrongful use of a controlled substance;

(c) Enlisted Administrative Separation Board finding of misconduct drug abuse (MILPERSMAN 1910-146); or

(d) Officer Board of Inquiry (BOI) finding of misconduct unlawful drug involvement basis (SECNAVINST 1960.6C).

(2) OPNAV N17 will indicate in their submission to NCIS that the service member should remain in the NICS database for a period of one year, per Department of Justice guidance.

(3) Every six months, OPNAV N17 will forward to Vice Director, Navy Staff a list of commands with service members who have outstanding positive drug results greater than six months with no reported adjudication.

(4) OPNAV N17 will update the criminal justice information sent to the FBI via NCIS as necessary when notified by a command that a service members adjudication result has changed. For example, when an NJP guilty finding, court-martial conviction, or administrative separation misconduct finding is overturned.

b. The Office of the Judge Advocate General (OJAG) is responsible for tracking all courts-martial cases that meet the reporting requirements per reference (b) through the appellate process. OJAG will update criminal justice information sent to the FBI via NCIS as necessary during the appellate process.

c. Naval Legal Service Command (NLSC). NLSC will make available or forward, and update as appropriate upon final disposition, criminal justice information to NCIS for service members who have:

(1) Been referred to a general-court martial for a crime punishable by more than one year confinement;

(2) Been convicted by a general-court martial for any offense punishable by more than one year confinement (regardless of actual confinement awarded);

(3) Been found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 76b of the Uniform Code of Military Justice; or

(4) Been convicted by a special or general court-martial of a crime of domestic violence as defined in reference (d).

d. Navy Personnel Command (NPC) will forward criminal justice information to NCIS when a service member has been separated from the Navy with a dishonorable discharge or dismissal as adjudged by a general court-martial for which appellate review is complete.

e. Commanding Officers (COs). COs will forward criminal justice information to NCIS for every member within their command who is a fugitive from justice.

(1) A person is a fugitive from justice when he or she has fled from any state to avoid prosecution; who leaves the state to avoid giving testimony in any criminal proceeding; or who knows that charges have been preferred or are otherwise pending before any civilian or military court against such person, and leaves the state of prosecution without proper authority.

(2) COs should consult with a legal advisor prior to reporting a service member to NCIS for being a fugitive from justice.

4. Criminal justice information will be sent to NCIS by the responsible Navy organization in accordance with reference (e) and in the following manner.

a. Submissions will contain a spreadsheet with the following data fields: Service member (1) Full name, (2) Sex, (3) Race, (4) Height, (5) Weight, (6) Eye color, (7) Hair color, (8) Place of birth, (9) Date of Birth, (10) Social security number; and (11) Incident number, (12) Submitter contact information, (13) Reason for service member entry into NICS.

b. Submit by email to NCIS at nicssubmission@ncis.navy.mil.

5. Released by VADM D. R. Smith, N4//

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